

AN ORDINANCE AMENDING CHAPTER 50 OF
THE CITY OF FORT WAYNE CODE OF
ORDINANCES "GARBAGE AND REFUSE" OF
THE CITY OF FORT WAYNE CODE OF
ORDINANCES.

WHEREAS, the City of Fort Wayne has chosen to
provide the service of residential solid waste collection
and disposal, through its Board of Public Works, in
accordance with Indiana Code 36-9-6-19; and

WHEREAS, the City of Fort Wayne, pursuant to
Indiana Code 36-9-30-5, has contracted with Waste
Management, Inc. for the collection and disposal of solid
waste from residential units, as those terms are defined
in said contract through December 31, 1994, with an
option to renew the contract through December 31, 1995;
and

WHEREAS, by Ordinance G-53-92, the Common
Council of the City of Fort Wayne established a user fee
to pay all necessary and incidental costs for providing
residential solid waste collection and disposal services
throughout the City of Fort Wayne effective January 1,
1993; and

WHEREAS, Ordinance G-53-92 requires annual
review of the fee and residential municipal waste
collection and disposal program, and the adjustment of
rates as necessary to provide sufficient funds to pay any
and all contract fees and incidental costs of the
program, while also striving to equitably assess charges
in a manner conducive to voluntary recycling; and

WHEREAS, a volume based fee which takes into
consideration the quantity of solid waste disposed of by

1 the user more equitably assesses the cost of collection
2 and disposal that solid waste; and

3 WHEREAS, a service fee is still necessary to
4 cover the cost of administering the City's solid waste
5 collection and disposal program.

6
7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
8 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

9
10 SECTION 50.01 COLLECTION SUPERVISED BY THE BOARD OF
11 PUBLIC WORKS AND DEPARTMENT OF PUBLIC
12 WORKS.
13

14 (A) All matters dealing with the collection,
15 conveyance and disposal of solid waste under this Chapter
16 shall be conducted under the supervision of the Board of
17 Public Works and the Department of Public Works, through
18 the City's Solid Waste Manager. The Board shall have the
19 authority to adopt rules and regulations concerning the
20 days of collection, type and location of containers, and
21 such other matters pertaining to the collection,
22 conveyance and disposal as it finds necessary, and to
23 change and modify the same, provided that such
24 regulations are not contrary to the provisions of this
25 Chapter. It shall be the responsibility of the Solid
26 Waste Manager to apply and enforce this Chapter and any
27 rules and regulations adopted hereunder.

28
29 (B) The Board of Public Works shall have the
30 authority to hire and/or contract for collection and
31 disposal of solid waste, recyclable materials, and/or
32 freon waste items as provided by I.C. 36-9-30-8.

(C) The fee and City Solid Waste Collection Service shall be reviewed at least annually. The rate system shall be adjusted as necessary to provide sufficient funds to pay any and all contract fees for collection, hauling and/or disposal of such residential municipal waste and all costs incidental to the program, but shall also strive to equitably assess charges in a manner conducive to voluntary recycling.

SECTION 50.02 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BULKY WASTE. A piece of furniture, household fixture or waste material from a residential source, including large appliances other than Freon waste items.

FREON WASTE ITEM. An appliance or other waste item of a type which originally contained Freon or any other nonflammable gaseous or liquid fluorinated hydrocarbons used as a refrigerant, disposal of which is specifically regulated by the United States Environmental Protection Agency (USEPA).

GARBAGE. Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food including food containers.

HAZARDOUS WASTE. Waste designated as hazardous by the USEPA and/or the Indiana Department of Environmental Management (IDEM). For the purpose of this Ordinance, partially used cans of paint shall be considered hazardous waste.

MANAGER. The Solid Waste Manager of the City of Fort Wayne.

MOBILE PARK HOME. This term shall be defined consistent with Indiana Code 13-1-7-2 and, for the purposes of this Chapter, shall also include such areas containing less than five (5) mobile homes when all other elements of that definition have been met.

RECYCLABLE MATERIAL. Ferrous, steel, bimetal and non-ferrous (aluminum) cans, newspapers, magazines, glass bottles, polystyrene, acceptable plastics and cardboard.

RECYCLING CONTAINER. The container(s) of any description, that display the recycling symbol approved or issued by the Manager or an approved hauler.

REFUSE. Discarded waste materials, in a solid or semi-solid state consisting of garbage, rubbish or a combination thereof.

RESIDENTIAL MUNICIPAL This term shall include residential garbage, bulky waste, rubbish and refuse

WASTE.

as above defined and shall be interpreted to be consistent with that definition (Municipal Waste) as set out in I.C. 13-7-31-2 with the restriction that wastes from all industrial, office, commercial and institutional establishments are specifically excluded hereunder.

**RESIDENTIAL
UNIT.**

A group of rooms located within a building or mobile home and forming a single inhabitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating. This definition also includes buildings containing four or fewer separate or contiguous single-family dwelling units whose owner has not waived single family pick-up, where two (2) or less buildings exist at a location, lot or address.

**RESPONSIBLE
PARTY.**

The owner, occupant, tenant, lessee or other entity having control over the relevant property. Vacant lots and building are deemed to be under the control of the record owner of title.

RUBBISH.

Non-putrescible solid waste consisting of combustible and non-combustible materials excluding yard and garden waste, hazardous wastes, infectious waste and tires.

SOLID WASTE.

Refuse.

1 YARDWASTE. Leaves, grass clippings, yard trimmings,
2 weeds, brush and other organic garden
3 debris.
4

5 SECTION 50.03 FEEES AND CHARGES FOR COLLECTION AND
6 DISPOSAL OF RESIDENTIAL MUNICIPAL SOLID
7 WASTE/MUNICIPAL FEES AND CHARGES.
8

9 (A) Use of the City Solid Waste Collection Service
10 is not mandatory, but the owner or occupant of each
11 property must provide for the weekly removal of all
12 refuse accumulating on the premises. No person shall
13 allow the accumulation of any refuse, whether contained
14 or not, on any property owned, occupied, or controlled by
15 that person for a period of more than seven (7) days.
16 Solid waste disposal must be provided by the use of City
17 approved private haulers or the City Solid Waste
18 Collection Service.
19

20 (B) Commencing May 1st, 1994, the City shall assess
21 a service fee of One Dollar (\$1.00) per month for the
22 service of collection and disposal of residential
23 municipal solid waste rendered by the City. In addition,
24 volume-based charges shall apply to residents, through
25 the purchase and use of City Solid Waste Collection Tags.
26 Each Tag shall have a retail cost of One Dollar (\$1.00).
27 The City shall provide Tags through sales outlets in the
28 City.
29

30 (C) The wholesale price for Tags shall be \$0.97.
31 The retail and wholesale price of Tags shall be set and
32 changed by ordinance pursuant to this Chapter.

(D) Only approved sales outlets shall be allowed to purchase Tags at the wholesale price, and they shall sell Tags only at a price equal to the retail price stated above.

(E) This service and fee shall be rendered only to residential units as above defined, within the confines of the corporate limits of the City of Fort Wayne, Indiana. The monthly fee shall be billed to each residential unit and collected in conjunction with other utility services provided by the City. When the utility account covers a building containing greater than one single-family unit, said account shall reflect two monthly fees hereunder. Utility accounts for mobile home parks shall be billed on a 90% occupancy rate.

(F) The fee charged hereunder shall take priority over all other charges for utility services provided by the City of Fort Wayne. Partial payments shall first be applied to satisfy this service fee. Delinquent accounts shall be handled consistent with other utility accounts under Article IX of Chapter 24 of the Municipal Code.

(G) Assessment of this service charge may be appealed through a Petition to the Solid Waste Manager along with verifiable documentation showing that the user's residential unit is currently served by an approved refuse collection and disposal service other than that provided by the City. The Solid Waste Manager's determination shall be reviewable by the Director of the Board of Public Works. The Director's decision shall be final and appealable. These administrative procedures shall be conducted consistent with I.C. 4-21.5-3, et seq. No dispute or appeal of said fee shall be a valid reason for non-payment until or

1 unless said charge is deleted from the user's utility
2 account by the City. In such case, any overpayment made
3 shall be applied as a credit to the user's utility
4 account to satisfy charges for water and sewer usage
5 and/or storm water service.

6
7 **SECTION 50.04 REFUSE CONTAINERS.**

8
9 (A) Refuse containers shall be provided by the
10 owner, tenant, lessee, or occupant of the premises. All
11 garbage and rubbish shall be put in an approved refuse
12 container for disposal by the City. Refuse containers
13 shall be of a size not to exceed thirty-three (33)
14 gallons in capacity. If the receptacle is other than a
15 bag, it must have a securely attached lid, and it must be
16 watertight and rodent proof. Refuse containers shall be
17 maintained in good and sanitary condition, with no ragged
18 or sharp edges or any other defect liable to hamper or
19 injure the person collecting the contents thereof.

20
21 (B) Any container that does not conform to the
22 provisions of this Chapter shall be promptly replaced
23 upon notice. The Solid Waste Manager shall serve such
24 notice by tagging the container and/or posting notice on
25 the residence, which notice shall specify the compliance
26 date.

27
28 (C) Trash scattered by animals or weather due to an
29 inadequate number or condition of containers shall be
30 removed promptly by the owner or occupant of the
31 premises.

1 SECTION 50.05 CITY SOLID WASTE COLLECTION TAGS.

2
3 (A) The appropriate number of City Solid Waste
4 Collection Tags (Tags) must be placed on every refuse
5 container, bag, box or suitable bulky waste item every
6 week before collection. Each Tag cannot be used more
7 than once. The following number of Tags is required for
8 collection of each such item:

9
10 Refuse Container (up to 33 gallons) - 1 Tag
11 Bulky Item - 2 Tags

12
13 (B) Failure to affix a Tag as required shall
14 constitute a violation of this Chapter. The City's
15 contracted garbage hauler may not collect any garbage,
16 refuse or rubbish in a container or bag, or appliance
17 that does not conform to the provision of this chapter or
18 that does not have a proper Tag(s) affixed. Yardwaste,
19 hazardous waste, construction debris and freon appliances
20 will not be collected under any circumstances.

21
22 (C) Violation Notice. Whenever the Solid Waste
23 Manager or designee finds solid waste on property within
24 the City which is in such a condition as to violate this
25 Section, a written report of the complaint and findings
26 shall be made and retained in the Office of the Manager,
27 who shall issue a written violation notice to the
28 responsible party. Notice shall be personally served
29 upon the responsible party or left at the residence, if
30 it is occupied. Where the offending property is vacant,
31 notice shall be served by first class mail to the last
32 known address of the record owner.

1 The notice shall inform the resident of the nature
2 of the violation and of the penalties and sanctions which
3 may be imposed for the improper disposal of solid waste.
4 A notice and opportunity to comply with these provisions
5 will normally be issued prior to final enforcement
6 action, but failure to issue a notice shall not bar or
7 constitute a defense to any complaint, citation or other
8 enforcement action under this Chapter. Appeal of this
9 notice may be made under Section 50.10 herein.

10
11 **SECTION 50.06 FREON WASTE ITEMS.**

12
13 (A) Proper disposal of Freon waste items shall be
14 the responsibility of the owner thereof.

15
16 (B) Collection and disposal of Freon waste items
17 from residential sources is not covered by the fee and
18 Tag Program set out in Sections 50.03 and 50.04 above.
19 However, service for collection and disposal of freon
20 waste items may be provided by the City through a
21 designated vendor upon terms agreed upon by that vendor
22 and the Board of Public Works.

23
24 (C) It shall be unlawful for any person to leave or
25 permit to remain outside of any dwelling, building or
26 other structure, or within any unoccupied or abandoned
27 building, dwelling or other structure under his/her
28 control, any abandoned, unattended or discarded Freon
29 waste item for a period of greater than seven (7)
30 consecutive days.

31
32 (D) Failure to properly dispose of a Freon waste
item within a seven (7) day period shall constitute a

1 nuisance under this Chapter punishable by fine of fifty
2 dollars (\$50.00) per violation.

3 **SECTION 50.07 RECYCLABLE MATERIALS.**
4

5 (A) The recycling collection date and recycling
6 collection point for residential units shall be the
7 unit's normal refuse collection date and collection
8 point, unless otherwise determined by the hauler.
9

10 (B) Upon the placement of recyclable material at a
11 designated curbside or recyclable collection location for
12 collection by an authorized recycling contractor, the
13 recyclable waste material shall become the property of
14 the authorized recycling contractor.
15

16 (C) No person other than an authorized recycling
17 contractor, shall remove recyclable material which has
18 been placed in a designated recycling container at a
19 designated recycling collection location, or a curbside
20 collection site. Any and each such prohibited removal
21 from one (1) or more designated recycling collection
22 containers shall constitute a separate and distinct
23 offense.
24

25 (D) Nothing in this sub-section shall limit the
26 right of an individual person, organization or other
27 entity to donate, sell or otherwise dispose of recyclable
28 material.
29
30

31 **SECTION 50.08 COLLECTION PRACTICES.**
32

(A) Collection of refuse and bulky items shall be
provided to all residential units opting for municipal

1 service at least once each week or more often as may be
2 ordered by the Board of Public Works.

3 Except for designated holidays, collection shall
4 fall on the same day each week. Whenever collections are
5 interrupted because of one of these holidays, the
6 collection of refuse from each property will normally be
7 postponed by one day.

8
9 (B) Collection shall be made from all residential
10 units within the City limits which are in compliance with
11 this Chapter.

12
13 (C) Collection shall be made from curbs or, where
14 there are no curbs, the property line immediately
15 adjacent to the public thoroughfare. All containers,
16 bags, and bulky items to be picked up must be placed
17 adjacent to the curbs and suitable for packers, not more
18 than twenty-four hours prior to the time when such refuse
19 is to be collected. Once set out for collection, all
20 solid waste shall become the property of the City's
21 contract hauler. All refuse containers shall be removed
22 from the street or sidewalk on the same day as the
23 collection is made.

24
25 Collection shall be made from alleyways where road
26 conditions permit, and alley service is more convenient
27 than street service, at the option of the hauler or
28 Manager.

29
30
31 **SECTION 50.09 DUMPING PROHIBITED.**

32 (A) It shall be unlawful for any person to throw,
place, or scatter any garbage, rubbish, trash or other

1 refuse over or upon any premises, street, alley, either
2 public or private, or to suffer or permit such material
3 to be placed or deposited on the premises owned, occupied
4 or controlled by such person either with or without the
5 intent to later remove it. By this Section, a resident
6 shall be held responsible to remove any such material
7 discarded or deposited on public rights-of-way adjacent
8 to resident's property. This provision shall not
9 restrict the filling of low lands within the City with
10 brick, stone, sand, gravel, cold ashes, or dirt after the
11 appropriate permit has been obtained.

12 (B) If a condition violating this Chapter exists on
13 real property, the Solid Waste Manager or her designee
14 may enter onto that property and take appropriate action
15 to bring the property into compliance with the ordinance.
16 However, before action to bring compliance is taken, the
17 responsible party and all other persons holding a
18 substantial interest in the property shall be given a
19 written Violation Notice allowing a reasonable
20 opportunity to bring the property into compliance. If
21 action to bring compliance is taken by the City, the
22 expense involved may be made a lien against the property
23 under the terms of paragraph (D) below, or may be
24 recovered through other legal proceedings against the
25 violator and/or responsible party.

26
27 (C) If the City does abate the violation, the Solid
28 Waste Manager shall make a certified statement of the
29 actual costs incurred by the City for the removal.
30 Actual costs shall include clean-up costs, administrative
31 fees, legal fees, recording fees and other sums expended
32 in pursuing collection of the outstanding balance. A
copy of this statement shall be served on all individuals
notified of the violation. The violator/responsible

1 party shall pay the amount of the statement to the Solid
2 Waste Manager within thirty (30) days of its issuance.

3 (D) If the responsible party should fail to pay
4 within the thirty (30) day period, or take action under
5 Section 50.10 to contest the action of the Solid Waste
6 Manager, a certified copy of the statement of costs shall
7 be filed in the Office of the County Auditor. The
8 Auditor shall place the amount claimed on the tax
9 duplicate against the real estate affected by the work.
10 The amount shall be collected as taxes are collected and
11 dispersed to the Solid Waste Fund provided for in this
12 Chapter. The statement may also be recorded in the
13 office of the County Recorder. This subparagraph shall
14 only apply to owner occupied or vacant property.

15
16
17 **SECTION 50.10 APPEAL OF VIOLATION NOTICE.**

18
19 A Violation Notice may be contested within 10 days of its
20 issuance in writing to the Solid Waste Manager who shall
21 issue written findings, reviewable by the Director of
22 Public Works. The Director's decision shall be final and
23 appealable. Appeals from the Director's decision and
24 findings shall be made to courts of competent
25 jurisdiction as provided by law.

26
27
28 **SECTION 50.11 USE OF CITY/PRIVATE REFUSE CONTAINERS.**

29
30 It shall be unlawful for any person to deposit household
31 or commercial refuse in any receptacle maintained on a
32 sidewalk or at any other public location by the City for
disposal of refuse by patrons or pedestrians. It shall
also be unlawful to deposit refuse in any receptacle

owned or maintained by another resident or business
without written permission.

SECTION 50.12 VEHICLES HAULING REFUSE.

(A) It shall be unlawful to transport refuse, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.

(B) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the City shall cause such materials to be removed at the expense of the person responsible, who shall be liable to reimburse the City the cost of removal.

SECTION 50.13 VIOLATIONS, COMPLAINTS, ENFORCEMENT.

(A) Violations of this Chapter are declared maintenance of a public nuisance. Persons who violate any of the provisions of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than two thousand five hundred dollars (\$2,500.00) for each violation. The City shall also be entitled to seek reimbursement for any expense incurred in abating the violation. Each day a violation continues shall constitute a separate violation.

(B) Enforcement action may be taken pursuant to any option set out in Indiana Code Section 36-1-6-3(a) or (b)

as appropriate, in addition to the relevant corrective measures set out in specific sections above.

(C) In addition to any other penalty provided for herein, the City may take such civil action as provided by law, including, but not limited to, injunctive relief, abatement of a nuisance, or imposition of a lien for expenses.

(D) Any person may file a complaint regarding a violation of this Chapter or the Solid Waste Rules and Regulations. The complaint shall state the name and address of the complainant and the alleged violator, the location and nature of the alleged violation, and shall be filed with the Solid Waste Manager who shall cause the complaint to be investigated. If a violation appears to have occurred, the complaint shall be referred to the Legal Department for appropriate action to enforce this chapter.

SECTION 50.14 SEPARATE SOLID WASTE FUND.

The revenues collected by the City from the monthly user fees, the sale of Garbage Collection Tags, and any reimbursement for clean-up costs shall be deposited in a separate, non-reverting, perpetual fund. This fund shall be established for the purpose of accounting and paying for the costs of collecting, disposing, and recycling of refuse. When necessary, the Common Council may approve additional operating transfers into this fund.

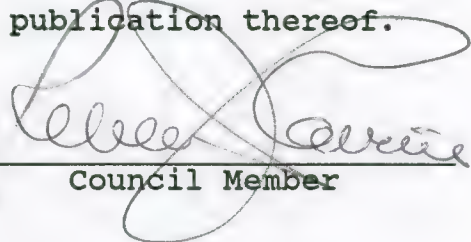
50.15 SEVERABILITY.

(A) The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

(B) All ordinances or parts of ordinances and sections of the City of Fort Wayne Code of Ordinances in conflict herewith are hereby repealed.

SECTION 50.16 EFFECTIVE DATE.

That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and legal publication thereof.



Council Member

APPROVED AS TO FORM
AND LEGALITY



J. TIMOTHY MCCAULAY, CITY ATTORNEY



The City of Fort Wayne

Paul Helmke, Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: LINDA PETERSON POWELL, STAFF ATTORNEY

DATE: January 10, 1994

SUBJECT: AMENDMENT TO CHAPTER 50/GARBAGE AND REFUSE

92-94-01-01

There are two major changes to our current Chapter 50 of the City Code in the attached ordinance. The first is found in Sections 50.03 and 50.05 (05 and 03) which lowers the monthly user fee from \$5.00 to \$1.00, and institutes a variable rate through a Tag Program. Each Tag would cost \$1.00 under this program. One Tag would be necessary to dispose of one (1) garbage bag, trash can or similar receptacle of garbage. Bulky items such as furniture and appliances would require two (2) tags.

The second major change is set out in Section 09 and strengthens the City's authority to enforce clean-up of private property. Previously, the City prohibited dumping on property within the City; however, it had no means of enforcing this provision. The attached ordinance addresses the situation in a manner similar to Chapter 100 on weeds. It makes both the dumper and the owner or resident of the property on which the garbage is dumped potentially responsible for the violation. Written notice will be given to the owner or resident of the property stating a violation exists and granting a reasonable amount of time to clean-up the property in light of the severity of the situation. Once this time has expired, the City may go upon the property and clean it up, in which case all costs so incurred will be passed on to the resident, owner or dumper.

I will briefly walk through the attached ordinance in order to distinguish it from our present law.

Section 50.01 (Section 01) maintains the current administrative structure whereby the Solid Waste Manager acts under the supervision of the Board of Public Works on all matters concerning solid waste.



The only major change to the definitions in Section 02 is to amend "Residential Unit" to cover buildings containing four (4) or less dwelling units only where there are no more than two (2) buildings at a location. With this change, all apartment complexes will be treated alike, no matter what their specific building makeup may be. Additionally, a definition of "Responsible Party" has been added, making the person in control of the property responsible for purchasing Tags and maintaining the property.

Section 03, paragraphs B, C and D contain substantial changes from all our current law. A date of May 2nd, 1994, has been suggested for implementation of the reduced user fee and Tag charges; however, the staff simply feels that three (3) months of education and preparation are necessary before any changes to the current system should be implemented. The start date suggested is the earliest one feasible.

Section 04, placing restrictions on appropriate refuse containers and their maintenance, is wholly new and self-explanatory.

Section 05 is also new. It contains the requirements for the use of Tags on trash containers and bulky items and the ramifications for failing to comply. Paragraph B states that trash which is not properly tagged may not be collected. As a practical matter the City will not allow untagged trash cans and bags to collect for a number of weeks thereby causing a potential health problem. At this time, staff's consensus is that trash which is safely contained may be left at the property for a period not to exceed two (2) weeks. Thus, the resident may be notified on week 1 that his trash was not properly tagged. He would be given until the following week to comply with the ordinance by tagging his trash. On week 2, the hauler would pick up the trash whether or not it was properly tagged. If it was still untagged, the resident would be cited for a violation and fined \$50.00, payable through the Violations Clerk. It is also thought that initially, warnings may be issued for trash which is not properly tagged; however, the hauler would still collect the trash on schedule. This warning system would apply during the first few weeks of the new Program as a matter of personal education for those who had not learned of the Tag requirement through other means. Of course, unusual situations will be individually evaluated and handled in accordance with the severity of the problem.

There have been no significant changes to Sections 06, 07, and 08 addressing freon items, recyclable materials and collection practices respectively.

Section 09, as mentioned above, beefs up the City's prohibition against dumping. It provides for collection of cleanup costs from either the violator or the party responsible for maintenance of the

property used as the dump site. Liens may only be obtained where the offending property is owner occupied or vacant.

Section 10 provides for appeal of a violation notice, whether it be for failure to Tag trash, or for a dumping situation.

Section 11 is new and simply codifies the law against stealing dumpster (or trash can) space and expands the law to cover City trash receptacles.

Section 12, addressing the transportation of solid waste, is also new and is self-explanatory.

Section 13 provides for enforcement of this Chapter by administrative proceedings, the issuance of \$50.00 ordinance violation tickets payable through the Violations Clerk, or suit filed in the Allen Superior Court. The ticket carrying a \$50.00 fine will normally be used for failure to properly tag trash, but suit will still be filed in most other instances. The section also provides for citizen input through the filing of a complaint, which will be especially helpful in dumping situations where the City is unable to observe the occurrence of the offense.

Lastly, Section 14 establishes a special fund in which all fees and charges from the Solid Waste Program shall be deposited. Hopefully, all funds necessary for funding the Program shall come from this non-reverting fund; however, if there is a deficit, the Common Council may transfer additional funds to this account.

Not all matters dealing with the Solid Waste Program have been set out in the ordinance. As with any new program, as this one is implemented, staff will recognize concerns which should be addressed consistent with a uniform policy. Those matters, and other specifics such as home delivery of Tags to shut-ins, will be set out in the Rules and Regulations of the Department, which will be adopted by the Board of Public Works.

If Common Council chooses not to adopt the Solid Waste Program set out in the proposed ordinance, the \$5.00 user fee shall continue in existence, and a separate ordinance will be introduced to establish the non-reverting fund set out in Section 14 of the attached ordinance.

Should you have any questions regarding the ordinance, please feel free to call me at 427-1124. If you have questions regarding the specific procedures to be followed under the Program, please contact Barb Nussa at 427-1345.

Read the first time in full and on motion by Bornio, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: 1-11-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Quinn, seconded by _____, and duly adopted, placed on its passage.
PASSED ☒ LOST ☐ by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT |
|-------------|----------|----------|-----------|----------|
| TOTAL VOTES | <u>2</u> | <u>6</u> | | <u>1</u> |
| BRADBURY | <u>✓</u> | | | |
| EDMONDS | | <u>✓</u> | | |
| GiaQUINTA | <u>✓</u> | | | |
| HENRY | | | | <u>✓</u> |
| LONG | | <u>✓</u> | | |
| LUNSEY | | <u>✓</u> | | |
| RAVINE | | <u>✓</u> | | |
| SCHMIDT | | <u>✓</u> | | |
| TALARICO | | <u>✓</u> | | |

DATED: 1-25-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

BILL NO. G-94-01-01

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ^{XXXXXXXXXX}(~~RESOLUTION~~) AMENDING CHAPTER 50 OF THE
CITY OF FORT WAYNE CODE OF ORDINANCES "GARBAGE AND REFUSE" OF THE CITY
OF FORT WAYNE CODE OF ORDINANCES

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Mark E. Giaquinta

Rebecca Ravine

Donald J. Schmidt

Sam Talavico

Janet G. Bradbury

William J. ...

DATED: *1-25-94*

Sandra E. Kennedy
City Clerk